

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 Lavirrise Bynes,

12 Plaintiff,

13 v.

14 Solano County, et al.,

15 Defendants.  
16

No. 2:21-cv-01537-KJM-AC

ORDER

17 Plaintiff Lavirrise Bynes moves to proceed *in forma pauperis* (IFP). *See* Mot., ECF  
18 No. 2. Plaintiff's motion **is granted**.

19 All parties instituting any civil action in a district court of the United States, except an  
20 application for writ of habeas corpus, must pay a filing fee of \$400. See 28 U.S.C. § 1914(a).

21 The action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is  
22 granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a). *See Andrews v. Cervantes*,  
23 493 F.3d 1047, 1051 (9th Cir. 2007). A court may authorize the commencement of a suit without  
24 prepayment of fees if the plaintiff submits an affidavit, including a statement of all of his or her  
25 assets, showing that he or she is unable to pay the fees. *See* 28 U.S.C. § 1915(a).

26 The affidavit filed with plaintiff's motion shows that she has no money in a savings  
27 account and owns no property. She receives \$900 a month in social security, but does not  
28 delineate her list of expenses. She does state she supports her 13 year old son. The \$400 filing

1 fee would thus represent close to half of her monthly salary, and close to five percent of her  
2 yearly income. It appears to this court she cannot pay court costs while affording the “necessities  
3 of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339–40 (1948). Therefore, the  
4 **motion is granted.** This order resolves ECF No. 2.

5 IT IS SO ORDERED.

6 DATED: September 14, 2021.  
7  
8

  
\_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE